

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :

Shigeru KAWAHARA, et al. : GROUP ART UNIT: 1621

SERIAL NO: 10/706,083 : EXAMINER: PUTTLITZ, K. J.

FILED: NOVEMBER 13, 2003 : ALLOWED: JULY 15, 2004

FOR: NOVEL INTERMEDIATE FOR SWEETENER WITH HIGH SWEETNESS AND  
PROCESS FOR PRODUCING THE SAME

PETITION TO WITHDRAW FROM ISSUE UNDER 37 CFR §1.313(c)(2)

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

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OCT 04 2004

SIR:

**OFFICE OF PETITIONS**

Further to the Issue Fee paid on August 30, 2004, Petitioners respectfully request the  
Office to Withdraw the present allowed application from Issue under the provisions granted  
Petitioners by 37 CFR §1.313.

37 CFR §1.313(c) states:

"Once the issue fee has been paid, the application will not be  
withdrawn from issue upon petition by the applicant for any  
reason except: . . . (2) Consideration of request for continued  
examination in compliance with §1.114; . . ."

Concurrent with the present Petition, Applicants have filed a Request for Continued  
Examination in compliance with §1.114. A copy of the request for continued examination is  
attached for the convenience of the Petition's Office.

If prosecution of an application is closed and a Petition under 37 CFR §1.313 is granted,  
an applicant may request continued examination under 37 CFR §1.114 by filing a submission  
and a fee. Petitioners respectfully filed the appropriate fee set forth in 37 CFR §1.17(e)

required by 37 CFR §1.114. Further, Petitioners respectfully filed an appropriate submission under 37 CFR §1.114(c).

37 CFR §1.114(c) states:

"A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability . . . ."

Petitioners have timely filed with the Request for Continued Examination, an Information Disclosure Statement, and Greene et al, which qualify as an appropriate submission as set forth in 37 CFR §1.114(c). A copy of the Information Disclosure Statement is enclosed for the convenience of the Petition's Office. Accordingly, Petitioners have timely filed a Request for Continued Examination in compliance with §1.114 as set forth above. In accordance with 37 C.F.R. § 1.17(h) the required fee for filing this 37 C.F.R. § 1.313 Petition is included herewith and, as such, Applicants have fulfilled the requirements for filing a Petition under 37 CFR §1.313.

It is requested that the Petition be GRANTED and the references cited on the concurrently filed Information Disclosure Statement be considered. Confirmation of the timely granting of this Petition is requested by facsimile to the undersigned at (703) 413-2220.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

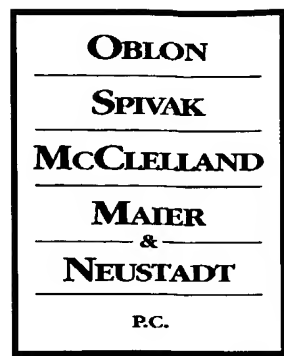


Vincent K. Shier, Ph.D.  
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(OSMMN 08/03)



ATTORNEYS AT LAW

Docket No.: 245259US0DIV

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/706,083  
Applicants: Shigeru KAWAHARA, et al.  
Filing Date: November 13, 2003  
For: NOVEL INTERMEDIATE FOR SWEETENER WITH  
HIGH SWEETNESS AND PROCESS FOR  
PRODUCING THE SAME  
Group Art Unit: 1621  
Examiner: Puttlitz, K.J.  
Allowed: July 15, 2004

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**OFFICE OF PETITIONS**

SIR:

Attached hereto for filing are the following papers:

**Petition to Withdraw from Issue Under 37 CFR §1.313(c)(2)**  
**Copy of Request for Continued Examination (RCE) Transmittal filed October 4, 2004**  
**Copy of Information Disclosure Statement filed October 4, 2004**  
**Copy of Form PTO 1449 filed October 4, 2004**  
**Copy of Supplementary European Search Report filed October 4, 2004**  
**Copy of Cited Reference (1) filed October 4, 2004**

Our credit card payment form in the amount of \$130.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

Vincent K. Shier, Ph.D.

Registration No. 50,552

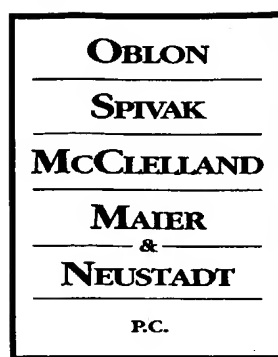
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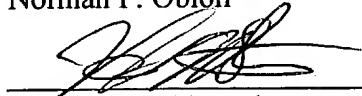
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GAU: 1621

FILED: November 13, 2003

EXAMINER: Puttlitz, K.J.

FOR: NOVEL INTERMEDIATE FOR SWEETENER WITH HIGH SWEETNESS AND PROCESS FOR PRODUCING THE SAME

## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

This is a request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

## Submission required under 37 C.F.R. §1.114

Previously Submitted:

- ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on
- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on

Enclosed:

- ☒ Information Disclosure Statement (IDS)
- ☒ Other: Form PTO 1449  
Supplementary European Search Report  
Cited Reference (1)

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| FEES   | RATE     | CALCULATIONS |
|--|----------|--------------|
| <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of months. | \$130.00 | \$0.00       |
| <input checked="" type="checkbox"/> RCE Fee required under 37 C.F.R. §1.17(e)  | \$790.00 | \$790.00     |
| <input type="checkbox"/>   |          | \$0.00       |
| <input checked="" type="checkbox"/> INDEPENDENT CLAIMS: (1); DEPENDENT CLAIMS: (6)   |          | \$0.00       |
| TOTAL OF ABOVE CALCULATIONS:   |          | \$790.00     |
| <input type="checkbox"/> REDUCTION BY 50% FOR FILING AS SMALL ENTITY   |          | \$0.00       |
| TOTAL:   |          | \$790.00     |

- ☒ Credit card payment form is attached to cover the fees in the amount of \$790.00
- ☒ Please charge any additional Fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- ☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 CFR 1.136, and any additional fees required under 37 CFR 1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate of this sheet is enclosed.

Respectfully Submitted,

ORLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
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